

Decision 03-01-066 January 30, 2003

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the City of Placentia for authority/ order to construct a grade separated underpass at the existing at-grade crossing of Placentia Avenue, existing Public Utilities Commission Crossing No. 2B-43.60, D.O.T. No. 026578-S, within the County of Orange.

Application 02-08-026
(Filed August 27, 2002;
Supplemented on September
26, 2002)

O P I N I O N

Summary

City of Placentia (City) requests authority to eliminate the existing at-grade highway-rail crossing at Placentia Avenue over Burlington Northern Santa Fe Railway Company's (BNSF) San Bernardino Subdivision (2B Line) tracks, and to construct a grade-separated underpass at its current location, in the City of Placentia, Orange County.

The City also requests authority to construct a temporary at-grade highway-rail crossing. This crossing will be located at a temporary detour road to be constructed to divert vehicular traffic away from the construction area. It will cross the two existing mainline tracks and two temporary bypass tracks, which will be constructed so that existing rail traffic is not affected.

Discussion

On August 13, 2001, the City filed Application (A.) 01-08-016 to request authority to modify 11 at-grade highway-rail crossings along what is commonly know as the Placentia Corridor of BNSF's 2B Line. A.01-08-016 states that two of

the 11 at-grade highway-rail crossings, including the one at Placentia Avenue (the subject of this application), are to be grade-separated.

A temporary detour road and two bypass tracks will be constructed during the construction of the Placentia Avenue underpass to divert train and vehicular traffic away from the construction area. This will require the construction of a temporary at-grade highway-rail crossing on the detour road located to the east of Placentia Avenue, which will include two mainline tracks and two bypass tracks, a total of four tracks. The warning devices at this location will consist of four Standard No. 9s (flashing light signals with automatic gates, as described in Commission General Order (GO) 75-C). Two of the Standard No. 9s will be curb-mounted and the other two will be median-mounted.

It is common practice to install Standard No. 9s such that their gates are perpendicular to the roadway. But considering the fact that the tracks will cross the temporary detour road at skew angles (approximately 60°), the distance between the Standard No. 9 on the southeast quadrant and the northernmost track of the mainline will be 95-feet, if its gate is placed perpendicular to the roadway. Generally, with at-grade highway-rail crossings with such a configuration, if the distance between the track centerlines is more than 100-feet, the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) recommends the installation of additional Standard No. 9s between the tracks, instead of having Standard No. 9s installed only on the outside of the tracks as proposed. Since the distance of 95-feet is fairly close to 100-feet, the City agreed to install the Standard No. 9 on the southeast quadrant such that its gate will be parallel to the southernmost bypass tracks, which will result in moving this Standard No. 9 closer to the southernmost bypass tracks by roughly 30-feet, and thereby reduce the above mentioned 95-

feet distance to 65-feet. It is also common practice to place opposite facing Standard No. 9s such that their gates line up, in order to form a continuous barrier from one Standard No. 9 to the other. Therefore, the median mounted Standard No. 9 on the south side of the tracks, which is paired with Standard No. 9 on the southeast quadrant, will also be placed such that its gate is parallel to the southernmost bypass tracks. The two Standard No. 9s on the north side of the tracks will be placed perpendicular to the roadway, as is the common practice.

The project will be built in stages as detailed below.

In the first stage, at the temporary detour road, the highway-rail at-grade crossing consisting of the mainline and bypass tracks will be constructed. K-rail barricades will be placed over the bypass tracks at the detour road to act as an extension of the raised median on the south side of the tracks. At the completion of this stage vehicular traffic will be diverted from the existing Placentia Avenue to the temporary detour road. The existing Placentia Avenue at-grade highway-rail crossing will be closed and removed. The expected completion date of this stage is July 2003.

When the construction of the bypass tracks is completed, the K-rail barricades at the detour road will be moved from the bypass tracks to over the mainline tracks, to act as an extension of the detour road raised median on the north side of the tracks. At the completion of this stage train traffic will be diverted from the mainline tracks to the bypass tracks. The expected completion date of this stage is February 2004.

In the last stage, Placentia Avenue will be depressed, the bridge structure for the mainline tracks over Placentia Avenue will be constructed, and mainline tracks will be installed on the bridge. Vehicular traffic will be diverted back to Placentia Avenue and train traffic will be placed back on the mainline tracks.

The at-grade highway-rail crossing warning devices at the temporary detour road will be removed. The temporary detour road and bypass tracks will be eliminated. The expected completion date of this stage is January 2005.

The City is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, as stated in Public Resources (PR) Code Section 21000 et seq. Under Section 21080.13 of the PR Code, any railroad grade separation project which eliminates an existing grade crossing or which reconstructs an existing grade separation is categorically exempt from the filing requirements of CEQA. Attached to the application is a Notice of Exemption (NOE) dated May 15, 2001, a copy of which is included in Appendix B of this order. The NOE was filed with the Office of Planning and Research and the Orange County Clerk. It advises all interested parties that the City authorized the Placentia Avenue Grade Separation Project and applied the Section 21080.13 CEQA exemption.

The Commission is a responsible agency for this project under CEQA and has reviewed and considered the lead agency exemption determination. The Commission finds that the facts of this case appropriately warrant application of the CEQA exemption adopted by the City. Therefore, we similarly adopt the Section 21080.13 exemption for purposes of our approval.

RCES inspected the site of the proposed Placentia Avenue underpass. After reviewing the need for and the safety of the proposed Placentia Avenue underpass and the at-grade highway-rail crossing at the temporary detour road, RCES recommends that the City's request be granted.

The application is in compliance with the Commission's filing requirements, including Rule 38 of Rules of Practice and Procedure, which relates to the construction of public highway crossings and separations under a

railroad. A site vicinity map of the proposed Placentia Avenue underpass is shown in the application and in Appendix A attached to this order.

In Resolution ALJ 176-3094, dated September 5, 2002 and published in the Commission Daily Calendar on September 6, 2002, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. Since no protests were filed and no hearings were held, this preliminary determination remains accurate. Given these developments a public hearing is not necessary, and it is not necessary to revise the preliminary determinations made in Resolution ALJ 176-3094.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

Assignment of Proceeding

Richard Clark is the assigned Examiner in this proceeding.

Findings of Fact

1. Notice of the application was published in the Commission Daily Calendar on August 29, 2002. There are no unresolved matters or protests; a public hearing is not necessary.
2. The City requests authority to eliminate the existing at-grade highway-rail crossing at Placentia Avenue over BNSF's 2B Line, and to construct a grade-separated underpass at its current location, in the City of Placentia, Orange County.
3. The grade-separation of Placentia Avenue is required to completely eliminate the hazard of train-vehicle collisions and motor traffic delays due to train movements.

4. Public convenience, safety and necessity require the construction of the grade-separated crossing.

5. Public convenience and railroad operations require that construction of the project be undertaken in stages, which will include the construction of two temporary bypass tracks southerly of the mainline tracks so that existing rail traffic is not affected, and an at-grade highway-rail crossing at a temporary detour road to be constructed to the east of Placentia Avenue to divert vehicular traffic away from the construction area.

6. Public safety requires that the warning devices at the temporary detour road at-grade highway-rail crossing be four Standard No. 9s. Two of the Standard No. 9s will be curb-mounted and the other two to be median-mounted. The two Standard No. 9s installed on the north side of the tracks will be placed such that their gates are perpendicular to the roadway and line up with each other, as is the common practice. However, the two Standard No. 9s installed on the south side of the tracks will be placed such that their gates are parallel with the southernmost bypass tracks and line up with each other.

7. The City is the lead agency for this project under CEQA, as amended.

8. The City has submitted an NOE dated May 15, 2001, which found that the project exempt from CEQA under PR Code Section 21080.

9. The Commission is a responsible agency for this project and has reviewed and considered the lead agency's exemption determination.

Conclusions of Law

1. The Commission finds that PR Code Section 21080.13 appropriately applies to exempt this project from CEQA.

2. There are no unresolved matters or protests; a public hearing is not necessary.

3. The application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. The City of Placentia (City) is authorized to eliminate the existing at-grade highway-rail crossing of Placentia Avenue and Burlington Northern Santa Fe Railway Company's (BNSF) San Bernardino Subdivision tracks (CPUC Crossing No. 2B-43.60) through the construction of a grade-separated underpass, as more fully described in the application, to be identified as CPUC Crossing No. 2B-43.60-B, in Orange County.

2. During the period of construction, the City is authorized to construct an at-grade highway-rail crossing at a temporary detour road east of Placentia Avenue, which shall be identified as CPUC Crossing No. 2B-43.54.

3. City shall ensure that four Standard No. 9 (flashing light signals with automatic gates, as described in Commission General Order (GO) 75-C) warning devices are installed at the temporary detour road at-grade highway-rail crossing. Two of the Standard No. 9s shall be curb-mounted and the other two shall be median-mounted. Furthermore, the two Standard No. 9s on the south side of the tracks shall be placed such that their gates are parallel to the southernmost bypass tracks and line up with each other, and the two Standard No. 9s on the north side of the tracks shall be placed such that their gates are perpendicular to the roadway and line up with each other.

4. Upon completion of underpass and its opening to vehicular traffic, the existing at-grade highway-rail crossing of Placentia Avenue (CPUC Crossing No. 2B-43.60) and the proposed at-grade highway-rail crossing at the temporary

detour road (CPUC Crossing No. 2B-43.54) shall be closed and physically removed.

5. Clearances shall be in accordance with GO 26-D.

6. Walkways shall conform to GO 118.

7. Construction and maintenance costs shall be borne in accordance with an agreement, which has been entered into between the parties. City shall provide a copy of the agreement to the Commission's Consumer Protection and Safety Division – Rail Crossings Engineering Section (RCES) prior to starting construction.

8. Within 30 days after completion of the work under this order, BNSF shall notify RCES in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work is completed.

9. This authorization shall expire if not exercised within three years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

10. The application is granted as set forth above.

11. Application 02-08-026 is closed.

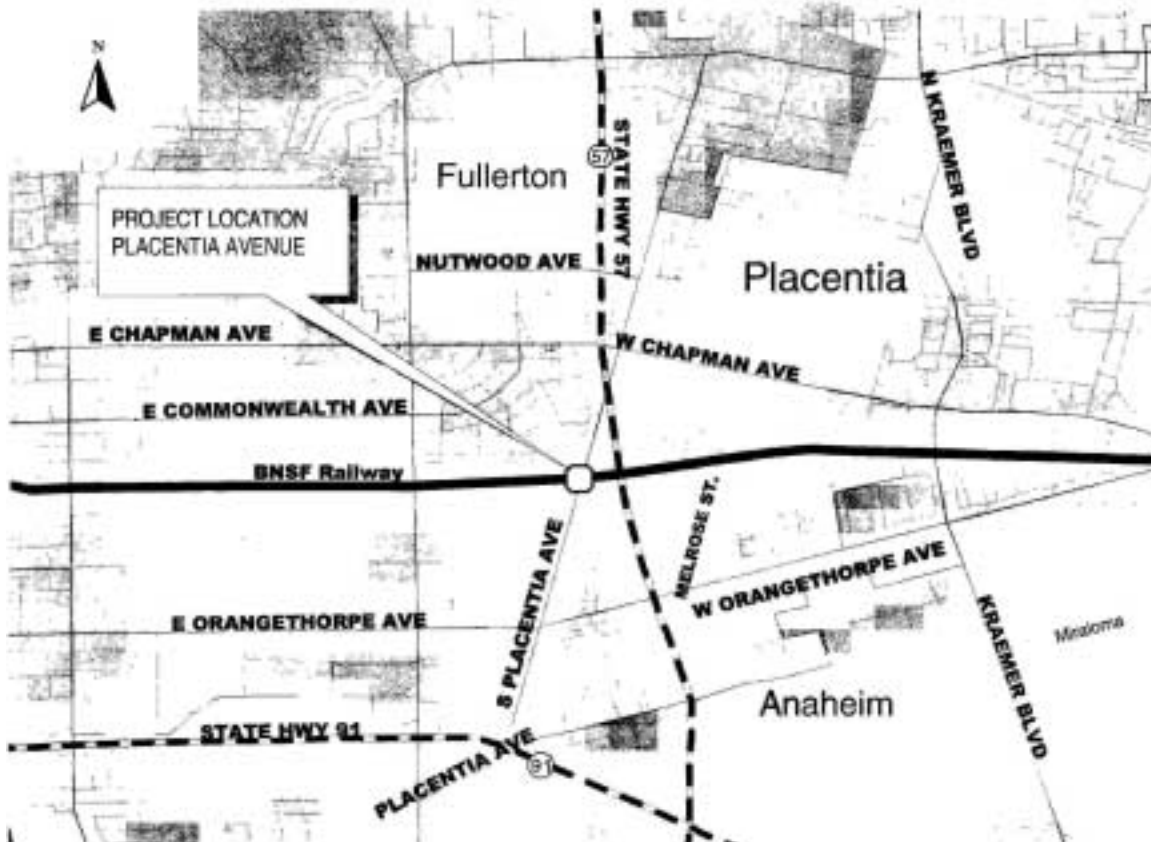
This order becomes effective 30 days from today.

Dated January 30, 2003, at San Francisco, California.

MICHAEL R. PEEVEY
President
CARL W. WOOD
LORETTA M. LYNCH
GEOFFREY F. BROWN
SUSAN P. KENNEDY

Commissioners

APPENDIX A
VICINITY MAP



APPENDIX B

Notice of Exemption

TO: ☒ Office of Planning and Research From: (Public Agency) _____
 1400 Tenth Street, Room 121 On Trac/City of Placentia
 Sacramento, CA 95814 401 E. Chapman, Placentia, CA 92870

☒ County Clerk
 County of Orange
 12 Civic Center Drive, Santa Ana, CA 92702

Placentia Avenue Rail Grade Separation Project
 Project Title
Placentia Avenue at the existing BNSF crossing
 Project Location-Specific
Placentia, California Orange County
 Project Location-City Placentia Project Location-County
Grade separate an existing railroad grade crossing to benefit public safety.
 Description of Nature, Purpose, and Beneficiaries of Project

On Trac/City of Placentia
 Name of Public Agency Approving Project
Chris Becker
 Name of Person or Agency Carrying Out Project

Exempt Status: (Check One)

- Ministerial (Sec. 21080 [b][1]; 152658);
 Declared Emergency (Sec. 21080[b][3]; 15269[a]
 Emergency Project (Sec. 21080[b][4]; 15269[b][c]);
 Categorical Exemption. State type and section number:
☒ Statutory Exemptions. State code number: (Sec. 21080.13 under Item XI)
 "This division shall not apply to any railroad grade separation project which eliminates an
 existing grade crossing or which reconstructs an existing grade separation."

Reasons why project is exempt: The proposed project is a railroad grade separation project that eliminates an existing railroad grade crossing.

Lead Agency Contact Person	Area Code	Telephone	Extension
Chris Becker	714	993-8245	

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?
 Yes _____ No _____

Signature: Joyce R. Pentel Date: 5/15/01 Title: Director, Development Services

☒ Signed by Lead Agency Date received for filing at OPR: _____

☐ Signed by Applicant